

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
~~Reinstatement~~ of:)

HAROLD M. GRIFFITHS, M.D.)
Certificate No. G-10087)

Respondent.)
_____)

Case No. N-33888

ORDER GRANTING STAY ORDER

Respondent has filed a request for a
stay of execution of the Decision with an effective date of
September 8, 1989.

Execution is stayed until October 8, 1989.

This stay is granted solely for the purpose to allow
time for the moving party to file a petition for reconsideration
and to allow time for the Division to review and act on the
petition for reconsideration.

Dated September 5, 1989

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

By Vernon A. Leeper

VERNON A. LEEPER
Chief - Enforcement

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Reinstatement of:)

HAROLD M. GRIFFITHS, M.D.)
1031 Hagen Road)
Napa, California 94558)
Certificate No. G 10087)

OAH NO. N 33888

Petitioner.)

DECISION

This matter was heard before a panel of the Seventh District Medical Quality Review Committee on June 8, 1989, in San Jose, California. Robert R. Coffman, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Harriet Hirsch, Deputy Attorney General, represented the Board of Medical Quality Assurance.

John V. Stovall, Attorney at Law, Neumiller & Beardslee, P. O. Drawer 20, Stockton, California 95201-9978, represented the petitioner.

The panel makes the following decision:

FINDINGS OF FACT

I

By a stipulated decision effective December 1985, petitioner's physician's and surgeon's license was revoked, revocation was stayed and petitioner placed on five years probation on conditions, including the successful completion of a clinical training program and passing an oral clinical examination within three years.

Cause for discipline was for repeated negligent acts in performing or attempting to perform breast reconstruction surgery from November 1979 to July 1982, on a patient who had a bilateral subcutaneous mastectomy on June 1, 1977 and a bilateral simple mastectomy on November 6, 1979. Many of the procedures were performed by petitioner without adequate time having elapsed to recover from prior surgeries.

II

When petitioner failed to pass an oral clinical examination within three years of the effective date of the above decision, as required by the terms of the decision, his license was automatically revoked in December 1988.

III

Petitioner filed his instant petition for reinstatement on February 14, 1989.

IV

Petitioner maintained a private practice in plastic surgery for approximately ten years, until 1982. From 1982-1984 he was a flight surgeon and an Air Force Reserve officer. During 1984-1987 he was on active duty with the Air Force. He completed the above clinical training program in 1988, failed the oral examination and was not permitted to retake the examination because the three year period had expired.

Petitioner completed numerous continuing medical education programs during 1986, 1987 and 1988, in addition to completing the above clinical training program, a 14 month fellowship in hand/microvascular surgery at the Rush-Presbyterian St. Luke Medical Center in Chicago, Illinois.

DETERMINATION OF ISSUES

Cause was established to reinstate petitioner's license under conditions.

ORDER

Certificate No. G 10037 issued to Harold M. Griffiths is reinstated on a probationary status on the following terms and conditions:

1. Petitioner shall not practice medicine in the State of California until he successfully takes and passes an oral clinical examination in plastic surgery, including hand

surgery and microvascular surgery, administered by the Division or its designee. If petitioner fails this examination, he must wait three months between reexaminations. The petitioner shall pay the cost of all examinations.

If petitioner fails to successfully pass the above examination within three years from the effective date of this decision, his license to practice medicine shall automatically be revoked by the Division without further notice or opportunity to be heard.

2. Upon successfully passing the above examination within the three year period, petitioner may resume the practice of medicine provided his practice is being monitored by another physician in accordance with the terms of this condition of probation.

At least 30 days prior to the resumption of practice, petitioner shall submit to the Division for its prior approval a plan of practice in which respondent's practice shall be monitored by another physician in petitioner's field of practice, who shall provide periodic reports to the Division.

If the monitor quits, or is no longer available, petitioner shall not practice until a new monitor has been substituted, through nomination by petitioner, and approval by the Division.

Probation shall not terminate until petitioner's practice has been monitored by another physician, in accordance with this condition, for a period of two years.

3. Petitioner shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

4. Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

5. Petitioner shall comply with the Division's probation surveillance program.

6. Petitioner shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

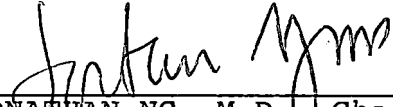
7. The period of probation shall not run during the time petitioner is residing or practicing outside the jurisdiction of California. If, during probation, petitioner moves

out of the jurisdiction of California to reside or practice elsewhere, he is required to immediately notify the Division in writing of the date of departure, and the date of return, if any.

8. Upon successful completion of probation, including the two year period of practice under a monitor, petitioner's certificate will be fully restored. If petitioner violates probation, the Division, after giving notice and the opportunity to be heard, may revoke probation and reimpose the order of revocation. If an accusation or petition to revoke probation is filed against petitioner during probation, the Division shall have continuing jurisdiction until the matter is final.

DATED: August 9, 1989

EFFECTIVE DATE September 8, 1989



JONATHAN NG, M.D., Chair
Seventh District Medical Quality
Review Committee, Division of
Medical Quality, Board of Medical
Quality Assurance

JN:RRC:lhj